

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOSEPH BORGEN,

Plaintiff

v.

FAISAL ELEZZI;

WASEEM AWAWDEH;

MAHMOUD MUSA;

MOHAMMED OTHMAN;

“K.A.”, a Minor,

Defendants.

CASE NO. 1:22-cv-04105-LGS

**DECLARATION OF DAVID I. SCHOEN IN SUPPORT OF
APPLICATION FOR CLERK’S CERTIFICATE OF DEFAULT AND
ENTRY OF DEFAULT AGAINST DEFENDANT MOHAMMED OTHMAN,
PURSUANT TO RULE 55(a), FEDERAL RULES OF CIVIL PROCEDURE
AND LOCAL CIVIL RULE 55.1**

Pursuant to 28 U.S.C. Sec. 1746, David I. Schoen, hereby declares the following:

1. I am counsel for the Plaintiff, Joseph Borgen, in the above-captioned case.
2. After I filed the Complaint in this case, I retained the services of a duly licensed process server, based on New York.
3. I provided the process server with a copy of the Complaint and summons for Defendant Mohammed Othman, along with the other documents I was required to serve on each defendant per the Court’s Order [ECF# 5]. (Collectively “the papers”).

4. On October 6, 2022, accompanied by a New York based attorney to observe, the process server waited for Defendant Othman at a court appearance he had at 100 Centre Street in Manhattan, on the criminal hate crime charges brought against him. The process server and the attorney observer approached Othman outside the courtroom and served the complaint, summons, and the other documents the Court had designated on Othman.
5. The foregoing is based on my phone conversation with the process server and the attorney observer, contemporaneously with the event, phone calls with them afterward, and the Proof of Service the process server provided to me and that I filed [ECF# 26].
6. I followed up by phone and email with the process server and the attorney observer and they confirmed this to me.
7. Based upon my investigation in this case, I declare that the Defendant Othman is not an infant, in the military, or an incompetent person.
8. Defendant Mohammed Othman has failed to plead or otherwise defend the action.
9. The pleading to which no response was made (the Complaint) has been properly served.
11. I am providing this Declaration in support of Mr. Borgen's application for the entry of default against Defendant Othman. I believe all requirements for the entry of a default have been met in this matter and respectfully request that a default be

entered.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

/s/ David I. Schoen
David I. Schoen (DS 0860)
Counsel for Plaintiff Joseph Borgen